

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14779 of A. Jamshidi and J. Shafiee, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area and width of lot requirements (Sub-section 401.3) to construct two flats in the R-4 District at premises 1621 and 1623 E Street, S.E., (Square 1091, Lots 6 and 7).

HEARING DATE: April 20, 1988
DECISION DATE: April 20, 1988 (Bench Decision)

ORDER

The subject application was scheduled for the public hearing of April 20, 1988. As a preliminary matter, counsel for several neighbors in opposition to the application made a motion to dismiss the application because the named applicants did not hold title to the subject property. Counsel for the opposition submitted a copy of the Ownership Record from the D.C. Department of Finance and Revenue indicating that the subject property is owned by Sarkis K. Nazarian. The applicants testified that they were the contract-purchasers of the property and offered to submit a copy of the contract, signed by the owner, which indicated that settlement on the property was contingent on BZA approval of the requested relief. The Board declined to accept the contract as proof of authorization for processing the application.

Section 3303.1 of the Zoning Regulations provides that the owner of property for which application is made, or an authorized agent, may file an application before the Board. The section further provides that a letter signed by the owner authorizing the agent to act on his or her behalf must be included with the application and that the authorization shall specifically include the power of the agent to bind the owner in the case before the Board.

The Board finds that A. Jamshidi and J. Shafiee are not the owners of the subject property nor does the record contain written authorization from the owner specifically empowering them to process the application before the Board. The applicants are therefore not in compliance with Section 3303.1. The Board concludes that the application is not properly before the Board and, therefore, the merits of the case can not be considered. Accordingly, it is ORDERED that the application is DISMISSED.